

**ASSEMBLY BILL**

**No. 1427**

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**Introduced by Assembly Member Lackey**

February 27, 2015

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An act to amend Section 309 of the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, as introduced, Lackey. Fish and Game Commission: hearings.

Existing law authorizes the Fish and Game Commission, or any person appointed by the commission to conduct a hearing, to cause the deposition of witnesses, as prescribed, and to compel the attendance of witnesses and the production of documents and papers, in accordance with certain requirements.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 309 of the Fish and Game Code is
- 2 amended to read:
- 3 309. (a) The commission or any person appointed by it to
- 4 conduct a hearing may, in any investigation or hearing, cause the
- 5 deposition of witnesses, residing within or without the state, to be
- 6 taken in the manner prescribed by law for deposition in civil actions
- 7 in the superior courts of this state under Title 4 (commencing with

1 Section 2016.010) of Part 4 of the Code of Civil Procedure, and  
2 may compel the attendance of witnesses and the production of  
3 documents and papers. The commission shall adopt regulations  
4 that afford procedural and substantive due process to any person  
5 whose license or permit is subject to revocation or suspension.  
6 Except upon conviction of a violation of this code or a regulation  
7 adopted pursuant to this code relating to the licensed or permitted  
8 activity and notwithstanding any other provision of this code, the  
9 commission shall not revoke or suspend any license or permit until  
10 the regulations required by this section have been adopted and  
11 approved by the Office of Administrative Law pursuant to Chapter  
12 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
13 Title 2 of the Government Code.

14 (b) ~~Any~~—A deliberation conducted by the commission, or  
15 conducted by any person appointed by the commission to conduct  
16 hearings, is deemed to be a proceeding required to be conducted  
17 pursuant to Chapter 5 (commencing with Section 11500) of Part  
18 1 of Division 3 of Title 2 of the Government Code or similar  
19 provision, within the meaning of paragraph (3) of subdivision (c)  
20 of Section 11126 of the Government Code.